

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PELLENC, ROGER; DELRAN, ROBERT

SERIAL NO.: 09/993,400

ART UNIT: 3671

FILED: November 6, 2002

EXAMINER: TORRES, A.M.

TITLE: UNIVERSAL REMOVABLE TOOL-HOLDER TO BE MOUNTED ON A STRADDLING VINEYARD TRACTOR FOR AGRICULTURAL WORK IN TREE OR SHRUB PLANTATIONS

REMARKS ON AMENDMENT "B"

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of July 31, 2003, having a response being due on October 31, 2003, please consider the following remarks in conjunction with the amendments to the above-identified application as follows:

REMARKS

Upon entry of the present amendments, previous Claims 11 - 19 have been canceled and new Claims 20 - 28 substituted therefor. Reconsideration of the rejections, in light of the foregoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art.

In the Office Action, it was indicated that Claims 11 and 19 rejected as being obvious over the Couser patent in view of the Stikeleather patent. Claim 17 was rejected as being obvious over the Couser patent and the Stikeleather patent in view of the Ellinger patent. Claim 18 was rejected

as being obvious over the Couser and Stikeleather patents in view of the Bobard patent. Importantly, it was indicated that Claims 12 - 16 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form.

As an overview to the Official Action, Applicant notes that the present invention has been particularly adapted for use on "a straddling vineyard tractor for agricultural work in tree or shrub plantations". As such, the configuration of the universal tool holder of the present invention is particularly adapted for such applications. In view of this, Applicant does agree with the Examiner's analysis as follows:

However, Couser fails to disclose wherein the joint means allows for pivoting the respective arm in an approximately horizontal plane; and

A second pivoting means cooperative with the primary chassis and with the second arm for pivoting the second arm in the approximately vertical plane and the approximately horizontal plane.

Applicant notes that the absence of such a structure is reasonable since the Couser patent is simply for use on a conventional tractor (see Figure 1 of the Couser patent).

Applicant notes that, in the Official Action, it was indicated that "Stikeleather discloses a tractor hitch with a joint means (see column 5, lines 13 - 15) for pivoting the arm in an approximately horizontal plane; and a second pivoting means (see column 5, lines 13 - 15) cooperative with the primary chassis (3) and with the second arm (10) for pivoting the second arm (10) in the approximately vertical plane and in the approximately horizontal plane." As a result, the Examiner has concluded that it would have been "obvious to one of having ordinary skill in art" to combine the teachings of the Couser and Stikeleather patent. Applicant respectfully disagrees with this portion of the Examiner's analysis.

Applicant further disagrees with the Examiner's analysis that "Couser discloses a removable universal tool holder for mounting on a straddling vineyard tractor for agricultural work in tree or shrub plantations". In particular, neither the Couser patent nor the Stikeleather patent describe a device intended for mounted on a tractor holder for a straddling vineyard tractor. The Couser patent and the Stikeleather patent show devices constructed to be mounted on (or coupled to) ordinary agricultural tractors. Figure 1 of the Couser patent quite clearly shows an ordinary agricultural tractor. Figure 5 of the Stikeleather patent definitely shows an ordinary agricultural tractor. Ordinary agricultural tractors involve devices that are designed to perform different types of work than that of the "straddling vineyard tractor" of the present invention. Applicant respectfully contends that a straddling vineyard tractor is not the equivalent of a traditional agricultural tractor.

Relative to the "joint means" for "allowing the pivoting of the respective arm in an approximately vertical plane and in an approximately horizontal plane", Applicant notes the Examiner's analysis of the absence of such a structure in the Couser patent. Applicant also notes the Examiner's analysis of the absence of the "second pivoting means" in the teachings of the Couser patent. Applicant has further revised the language with respect to the "first pivoting means" in order to further distinguish the present invention from the Couser and Stikeleather patents. Independent Claim 20 now specifically recites that the "first pivoting means" is for pivoting said first arm "in the approximately vertical plane" and "in the approximately horizontal plane". Applicant respectfully contends that the Couser patent does not show, disclose nor describe either of the "joint means", the "first pivoting means" or the "second pivoting means", as claimed in independent Claim 20.

With respect to the prior art combination of the Couser and Stikeleather patents, Applicant respectfully disagrees with the Examiner's analysis that: (1) it would have been obvious to combine

the teaching of the Stikeleather patent with the construction of the Couser device in order to show the structure of the present invention; and (2) that the Stikeleather patent shows such "joint means", "first pivoting means" or "second pivoting means". The Stikeleather patent appears to show a traditional three-point hitch that allows for the mounting of a tool (i.e., a plow) behind a traditional agricultural tractor. As was stated in column 1, lines 35 - 44 of the Stikeleather patent:

Accordingly the present hitch arrangement incorporates a powered upper link which unlike previous hitching arrangements provides flexibility in using the hitch adapter to overcome misalignment between the tractor and the implement. The upper link is powered by a suitable linear actuator which may be electrically, hydraulically or mechanically which ever is best suited for the particular operation.

Additionally, in column 1, lines 3 - 7, the object of the Stikeleather is directly related to the hitch of a traditional tractor:

The invention relates to the tractor hitch and more particularly to a power actuated three-point hitch carrying a quick-hitch adaptor for hitching the tractor to an implement. The powered means provides horizontal and vertical movement of the three-hitch adaptor to facilitate hitching to an implement.

As can be seen, the Stikeleather tool holder is not designed to be mounted on a straddling vineyard tractor, but, on the contrary, onto an ordinary agricultural tractor. The tool holder does not include a main chassis supporting two secondary chassis so as to be able to be moved in a space independently of each other. The Stikeleather patent simply shows a single holder chassis to which an agricultural tool can be coupled. As such, the combination of the Couser and Stikeleather patents would not fulfill the function of a universal tool holder for "mounting on a straddling vineyard tractor for agricultural work in tree or shrub plantations". On this basis, Applicant respectfully contends that a person having ordinary skill in the art would not be drawn to combine the Couser and Strikeleather

patents in order to develop a universal tool holder for "mounting on a straddling vineyard tractor for agricultural work in tree or shrub plantations". Additionally, the prior art combination would still lack at least one of the elements of the "joint means", the "first pivoting means", and the "second pivoting means". In particular, the prior art combination would particularly lack one of the "first pivoting means" for "pivoting said first arm in the approximately vertical plane and in approximately horizontal plane" or the "second pivoting means" for "pivoting said second arm in the approximately vertical plane and in approximately horizontal plane". As such, Applicant respectfully contends that the amendments to previous Claim 11 (in the form of New Claim 20) serve to more clearly distinguish the present invention from the prior art combination.

Dependent Claims 21 - 28 correspond, respectively, to previous Claims 12 - 19, but have new dependencies based upon the renumbering of the claims.

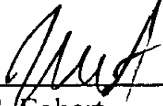
Based upon the foregoing analysis, Applicant contends that independent Claim 20 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 20 should also be in condition for allowance. Reconsideration of the rejections is requested and

allowance of the claims at an early date is earnestly solicited. Since no additional claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

OCT 28 2003

Date

  
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